

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BETTE BENNETT,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. 3:20-cv-05382-BHS

STIPULATED MOTION AND ORDER TO
MODIFY SCHEDULING ORDER

Noted for Consideration:
April 18, 2024

JOINT STIPULATION

The parties hereby jointly STIPULATE AND AGREE to modify the scheduling order in the Court’s January 24, 2024, Order Setting Bench Trial and Pretrial Dates (Dkt. 43), as set forth below.

<u>Deadline</u>	<u>Current Deadline</u>	<u>Proposed New Deadline</u>
BENCH TRIAL SET FOR	1/14/2025 at 9:00 a.m.	N/A
Disclosure of expert testimony under FRCP 26(a)(2)	7/8/2024	8/8/2024
Disclosure of rebuttal expert testimony under FRCP 26(a)(2)	8/7/2024	9/9/2024

All motions related to discovery must be filed by	8/19/2024	9/16/2024
Discovery completed by	9/16/2024	9/30/2024
All dispositive motions must be filed by	10/16/2024	N/A
Motions in limine must be filed pursuant to Local Rule CR 7(d)(4) by	12/9/2024	N/A
Agreed pretrial order filed with the Court by	12/23/2024	N/A
Pretrial conference will be held at 03:00 PM on	12/30/24	
Trial briefs, proposed findings and conclusions and deposition designations due by	12/24/2024	N/A

A court may modify a schedule for good cause. Fed. R. Civ. P. 16(b)(4). Continuing pretrial and trial dates is within the discretion of the trial judge. *King v. State of California*, 784 F.2d 910, 912 (9th Cir. 1986). Good cause exists for extending the specific deadlines noted above. To date, the parties have engaged in written discovery, collected thousands of pages of medical records, and are in the process of scheduling Plaintiff's deposition. The parties have also agreed to consider the feasibility of mediation after Plaintiff's deposition and therefore agree that the expert disclosure deadlines and discovery cutoff deadline should be extended to account for this possibility. The parties agree that this schedule modification need not impact the current trial date.

For the reasons set forth above, the parties believe that there is good cause to modify the scheduling order and respectfully request that the Court grant their motion.

//

//

//

1 **SO STIPULATED.**

2 DATED this 18th day of April, 2024.

3 TESSA M. GORMAN
4 United States Attorney

BAILEY ONSAGER, P.C.

5 s/ Kristen R. Vogel

KRISTEN R. VOGEL, NY No. 5195664

s/ Darrin E. Bailey

DARRIN E. BAILEY, WSBA No. 34955

1109 First Avenue, Suite 501

Seattle, WA 98101

Phone: (206) 667-8290

Fax: (206) 624-6885

Email: dbailey@baileyonsgager.com

6 s/ Alixandria K. Morris

ALIXANDRIA K. MORRIS, TX No. 24095373

7 Assistant United States Attorneys

United States Attorney's Office

8 Western District of Washington

700 Stewart Street, Suite 5220

9 Seattle, Washington 98101-1271

Phone: (206) 553-7970

10 Fax: (206) 553-4067

Email: kristen.vogel@usdoj.gov

11 Email: alixandria.morris@usdoj.gov

Attorney for Plaintiffs

12 *Attorneys for United States of America*

13 I certify that this memorandum contains 290
14 words, in compliance with the Local Civil Rules.

ORDER

It is hereby ORDERED that the parties' motion is GRANTED.

DATED this 19th day of April, 2024.



BENJAMIN H. SETTLE
United States District Judge